

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)	
LABORERS WELFARE FUND, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No.4:07CV1167 JCH
)	
TRUSS BROTHERS CONSTRUCTION)	
CO., INC.,)	
)	
Defendant.)	

ORDER

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132.

Defendant Truss Brothers Construction Co., Inc., was served with the summons and complaint on June 25, 2007, and has not filed an answer or otherwise entered its appearance.

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendant to submit to a financial compliance examination so that plaintiffs can determine the amounts allegedly owed.

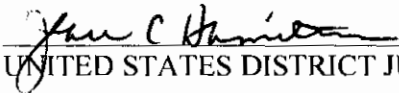
Plaintiffs have established that defendant is bound by collective bargaining agreements with Laborers Local Unions 42-53-110. These agreements require defendant to submit contributions to the Laborers Funds, and authorize plaintiffs to examine the financial records of defendant to ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial compliance examination.

WHEREFORE, defendant is hereby ordered to provide to plaintiffs' independent accountants Wolfe-Nilges-Nahorski within thirty (30) days of the date of this Order all of its books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to defendant's employees since March 1, 2003. Specifically, plaintiffs are seeking:

1. Individual compensation records, payroll registers, and payroll journals.
2. Time cards.
3. Federal and state payroll tax forms: W-2's, 1099's, and state quarterly payroll tax returns.
4. Employee data, including names, addresses, and phone numbers, and all available documentation to verify job duties, including, but not limited to, job applications, certified payrolls, workman's compensation reports, etc.
5. Copies of reporting forms to all union trust funds.
6. Job cost records.
7. General ledgers, cash disbursement journals, and supporting documentation (for example, accounts payable invoices and check stubs).
8. Any other financial data the accountants may require.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATE: July 27, 2007